

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE, WSBA No. 32245
Associate General Counsel
Office of Program Litigation, Office 7
NOAH SCHABACKER, Maryland Bar
Special Assistant United States Attorney
Office of the General Counsel
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235
Telephone: (303) 844-6232
Email: Noah.Schabacker@ssa.gov

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KUNTHEA PHO,)	CIVIL NO. 2:24-cv-00464-DMC
Plaintiff,)	
v.)	STIPULATION TO VOLUNTARY
MARTIN O'MALLEY,)	REMAND PURSUANT TO SENTENCE
Commissioner of Social Security, ¹)	FOUR OF 42 U.S.C. § 405(g) AND TO
Defendant.)	ENTRY OF JUDGMENT; ORDER

IT IS STIPULATED by and between Plaintiff ("Plaintiff") and Defendant Martin O'Malley, Commissioner of Social Security ("Defendant"), through their undersigned counsel of record, that the above-entitled action shall be remanded to the Commissioner of Social Security for further administrative proceedings.

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 On remand, the Commissioner will develop the record as necessary; reconsider all
2 relevant issues; offer the claimant the opportunity for a hearing; and issue a new decision. The
3 parties further request that the Court direct the Clerk of the Court to enter a final judgment in
4 favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

5 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
6 Social Security Act, 42 U.S.C. 405(g).

7
8 Dated: June 13, 2024

/s/ Francesco P. Benavides *

FRANCESCO P. BENAVIDES

Attorney for Plaintiff

*Authorized via e-mail on June 13, 2024

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

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Social Security Administration

15 By: /s/ Noah Schabacker

NOAH SCHABACKER

Special Assistant United States Attorney

Attorneys for Defendant

19 **ORDER**

20 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of
21 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown,
22 **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of Social
23 Security for further proceedings pursuant to the fourth sentence of Section 205(g) of the Social
24 Security Act, 42 U.S.C. 405(g).

25
26 Dated: June 17, 2024



DENNIS M. COTA

UNITED STATES MAGISTRATE JUDGE